

For instance, Everett, in Figure 5, discloses a brake shoe having multiple composition brake pads wherein the different pads are either molded unitarily with the main body portion or formed as snap inserts in the main body portion. In contrast, applicant's independent claims 1, 8, 15 and 18, from which the remainder of the rejected claims depend, either directly or indirectly, recites structure neither taught or suggested in the Everett reference. For example, the reference does not teach or suggest "individually molded brake pads in abutting sequential arrangement configured for slidable replacement and interchangeability" as variously claimed by applicant in the aforesaid independent claims.

In view of the above, the various dependent claims (2-4, 7, 9, 10, 14, 16-18 and 20), as amended each variously recite additional structure not taught or suggested by Everett. Thus, applicant has amended the rejected claims to recite structure not taught or suggested by the reference of Everett, and accordingly it is submitted that anticipation is not found since there is not the presence in the reference of all of applicant's claimed invention arranged as in the amended claims.

Rejection under 35 U.S.C 103(a): In rejecting claims 5, 6, 11, 12, 13 and 19 the Examiner has alleged the claims unpatentable over Everett in view of Penney (471,891), the Examiner stating that the claimed invention differs from Everett only in the means for attaching the pads to the support since Penny shows a brake support having pads B which slide into a groove and are locked into the support via pin "f". Such rejection is respectfully traversed.

As to any rejection under 35 U.S.C. 103, the mere fact that the prior art may be modified in a manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification In re Gordon, 723 F.2d at 902, 221 USPQ at 1127.

As argued above, there is no teaching or suggestion in Everett of the limitations of amended independent claims 1, 8, and 15. Claims 5, 6, 11, 12, 13 and 19 are variously dependent from these amended independent claims and are submitted as also free from the 35 U.S.C 103 (a) rejection. These claims are further amended to recite additional limitations neither taught nor suggested by Everett, Penny, or the combination thereof.

Likewise, even though Penny shows a brake support having pads B which slide into a groove and locked into the support via pin "f", there is no suggestion that these automobile brake

assembly characteristics could somehow be combined with the teachings of Everett to result in applicant's claimed invention.

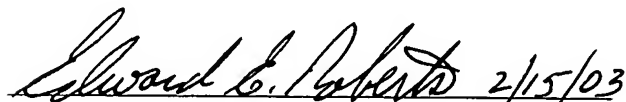
Additionally, references may be combined to anticipate a claim, but their teachings must be capable of suggesting to one skilled in the art, without exercising inventive faculties, their combination in a manner disclosed in the claimed structure. The claim will be allowed where one skilled in the art, with the prior art before him, but in the absence of applicant's disclosure, would be incapable of constructing the claimed structure without displaying creative genius (Ex parte Warhol, 94 USPQ 193, In re Irmischer, 120 USPQ 196).

It is thus submitted that there is no suggestion in either of Everett, Penny, or the combination thereof, that they may somehow be modified to teach applicant's claim of invention, and further, an exercise of "inventive faculties" would be required to result in applicant's claim of invention. In view of the above, it is submitted that the Examiners burden has not been met, either under 35 U.S.C.102(b) or 35 U.S.C.103(a). It is thus submitted that the rejection of the claims in the case, that is claims 1-20 as amended, are allowable since the limitations contained therein are neither taught nor suggested in the art of record.

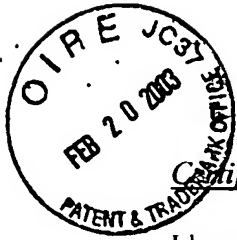
Formal Drawings: Enclosed herewith are formal drawings and a letter to the Official Draftsperson, the original drawings submitted with the application being of an informal nature in that they were "hand numbered".

Amendment to the specification has been requested for clarification and to better point up applicant's invention. It is submitted that no new matter has been added. A marked up copy of the amendments to the claims is attached. If a telephone call will help in expediting this case, please call the undersigned attorney for applicant as indicated below.

Respectively submitted,


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GROUP 3600



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Marked Up Copy of the Amendments to The Claims

GROUP 3600

1. (Amended) A brake pad assembly for a bicycle having a brake system urging the pad assembly against the rim of the bicycle wheel, the combination comprising:

an elongate support member having a longitudinally extending brake shoe supported therefrom for receiving multiple brake pads; [means unitary therewith; and]

abutting individual brake pads molded as unitary members sequentially and slidably positioned [brake pad means contained] within said brake shoe [means, said brake pad means] each having pre-selected braking characteristics for imparting a variety of desired braking characteristics to said brake pad assembly; and

said brake shoe means and said brake pads are configured for interchangeability and replacement of said brake pad within said brake shoe means.

2. (Amended) The brake pad assembly according to Claim 1 wherein [each said brake pad means includes individual brake pads molded as a unitary member,] each of said pads has [having] a rim engaging surface generally coplanar with the other and each is [being] formed of a different braking compound [composition] for imparting a different braking characteristic to said brake [braking] assembly.

3. (Amended) The brake pad assembly according to Claim 2 [1] wherein each said brake pad [means includes individual brake pads molded as a unitary member and] is comprised of a first top portion for mounting in said brake shoe and a second bottom portion extending from said brake shoe, and having a braking surface for contact with said bicycle wheel rim, the portions defined by an indentation on each side of [said brake shoe means and] said brake pad [means are configured for replacement and interchangeability of said braking pads within said brake shoe means].

4. (Amended) The brake pad assembly according to Claim 3 wherein said brake shoe [means] includes brake pad locking means for fixedly positioning [capturing and retaining] said interchangeable brake pads therein [pad means within said brake shoe means] aligned relative to one another and relative to said brake shoe [means], said locking means including capture means

in said longitudinally extending brake shoe for interaction with said indentations in said pad to slidably receive and restrain said first portion of each said brake pad.

5. (Amended) The brake pad assembly according to Claim 4 wherein said capture means is comprised of inwardly projecting shoulders in said brake shoe mating with said indentations and said locking means further includes a groove in at least one of said brake pads [pad means] and a locking pin, said brake shoe [means], said groove and said locking pin [being] configured for mating coacting engagement whereby said individual brake pads [pad means] are further fixedly positioned [captured] within said brake shoe [means].

6. (Amended) The brake pad assembly according to Claim 2 [5] wherein the composition of said brake pads [pad means] is formed of variations of multi-rubber or elastomeric compounds, and wherein said brake shoe has transverse curvature substantially in conformance with the radius of the bicycle wheel rim.

7. (Amended) The brake pad assembly according to Claim 2 [3] wherein each of said brake pads is molded as a unitary member and said brake shoe includes locking means for positioning and restraining said brake pads therein;

said locking means includes inwardly projecting shoulders in said brake shoe and mating indentations in said brake pads, for slidably receiving said brake pads along said shoulders in said brake shoe; and

said locking means further includes a groove in at least one of said brake pads and a locking pin for coacting engagement whereby said brake pads are captured within said brake shoe [are aligned relative to one another and relative to said brake shoe means, each of said pads having a rim engaging surface generally coplanar with the other and each being formed of a different composition for imparting a different characteristic to said braking assembly].

8. (Amended) A brake pad assembly for a bicycle having a brake system urging a brake shoe against the rim of the bicycle wheel, the assembly [combination] comprising:

[an elongate support member; and]

a bicycle brake shoe [means affixed in alignment to said support member and] having a plurality of unitary abutting brake pads sequentially positioned therein, [pad portions] each

having a rim engaging braking surface generally coplanar with the other and each being formed of a different multi-rubber or elastomeric compound, each compound being pre-selected for imparting a different braking characteristic to said brake system; and

each of said brake pads configured for slidable interchangeability and replacement within said brake shoe means.

9. (Amended) The brake pad assembly according to Claim 8 wherein each of said plurality of [pad portions] brake pads is comprised of a top portion and a bottom portion, the portions defined by an indentation on each non-abutting side of said brake pad; and

said brake shoe includes inwardly projecting shoulders configured for mating with said brake pad indentations whereby said brake pads are slidably received along said shoulders in said brake shoe, said bottom portion extending from said brake shoe and having a braking surface for contact with said bicycle wheel rim [are molded as a unitary member].

10. (Amended) The brake pad assembly according to Claim 9 wherein said brake shoe includes locking means for capturing and retaining said plurality of brake pads [pad portions] in abutting arrangement within said brake shoe

11. (Amended) The brake pad assembly according to Claim 10 wherein said locking means [brake shoe] includes a first locking component and at least one of said brake pads [pad portions] includes a second locking component, said first and second locking components being configured for [mating] coacting engagement whereby said plurality of brake pads [pad portions] are captured [and retained] within said brake shoe.

12. (Amended) The brake pad assembly according to Claim 11 wherein said first locking component includes insert means and said second locking component includes at least one of said plurality of brake pads [pad portions formed as a main body portion] having recessed means therein, said insert means and said recessed means configured for mating coacting engagement whereby said brake pads are locked in said brake shoe.

13. (Amended) The brake pad assembly according to Claim 11 wherein said brake shoe has transverse curvature substantially in conformance with the radius of the bicycle wheel rim,

and said plurality of brake pads [pad portions] are retained in alignment relative to one another and relative to said brake shoe.

14. (Amended) The brake pad assembly according to Claim 9 wherein said first locking component is a locking pin and said second locking component is a groove in at least one of brake pads, said locking pin and said groove configured for mating coacting engagement whereby said individual brake pads are fixedly positioned and captured within said brake shoe [the compound utilized for one of said plurality of pad portions is selected for stopping power and the compound utilized for one other of said portions is selected for grabbing control].

15. (Amended) A brake shoe [pad] assembly for a bicycle having a brake system urging a brake shoe against the rim of the bicycle wheel, the assembly comprising:

[brake shoe means having a plurality of brake pad portions, said brake shoe means and said pad portions having configuration providing for replacement and interchangeability of said pad portions within said brake shoe means.]

an elongate longitudinally extending brake shoe for receiving a plurality of individually molded brake pads in abutting arrangement sequentially positioned within said brake shoe, each having a rim engaging braking surface generally coplanar with the other and having pre-selected braking characteristics for imparting a variety of braking characteristics to said brake pad assembly, said brake shoe and said brake pads configured for slidable replacement and interchangeability of said brake pads within said brake shoe; and

each of said plurality of brake pads is comprised of a top portion and a bottom portion defined by an indentation on each non-abutting side of said brake pad and said brake shoe includes inwardly projecting shoulders configured for mating with said indentations whereby said brake pads are slidably received along said shoulders, said bottom portion extending from said brake shoe and having a braking surface for contact with said bicycle wheel rim.

16. (Amended) The brake pad assembly according to Claim 15 wherein each said brake pad [portion] is molded as an individual unitary member of variations of multi-rubber or elastomeric compounds for imparting a variety of braking characteristics.

17. (Amended) The brake pad assembly according to Claim 15 wherein each said brake pad [portion] is formed of a different braking compound [composition] for imparting a different braking characteristic to said brake [braking] assembly.

18. (Amended) The brake pad assembly according to Claim 15 [17] wherein said assembly includes locking means for capturing and retaining said interchangeable brake pads [pad portions] within said longitudinally extending brake shoe aligned relative to one another and to said brake shoe;

each of said brake pads is comprised of a first top portion for mounting in said brake shoe and a second bottom portion extending from said brake shoe, the portions defined by an indentation on each side of said brake pad;

said locking means including capture means comprised of inwardly projecting shoulders in said brake shoe coacting with said indentations to slidably receive and restrain said first portion of each said brake pad, and further including first locking means in said brake shoe and second locking means in at least one of said pad portions, said first and second locking means configured for mating coacting engagement whereby said plurality of brake pad portions are captured and retained within said brake shoe.

19. (Amended) The brake pad assembly according to Claim 18 wherein said first locking means [includes] is a groove in at least one of said brake pads [first locking means in said brake shoe and second locking means in at least one of said pad portions, said first] and said second locking means is a locking pin for [configured for] mating coacting engagement with said first locking means whereby said [plurality of] brake pad portions are positioned, captured and retained within said brake shoe.

20. (Amended) The brake pad assembly according to Claim 18 wherein each said brake pad [means] has a rim engaging surface generally coplanar with the other, said brake shoe has transverse curvature substantially in conformance with that of the radius of the bicycle wheel rim, and each said brake pad is aligned relative to the other [one another] and relative to said brake shoe.